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November 6, 2023

VIA EFILING

Hon. James Peterson
United States District Court
Western District of Wisconsin
120 N. Henry St.,
Madison, WI 53703

Re: No. 3:23-cv-00672, *Liebert, et al. v. Wisconsin Elections Commission, et al.*

Dear Judge Peterson:

Plaintiffs oppose the Wisconsin Legislature's motion to intervene. To spare the Court repetitive briefing, Plaintiffs join the Commission Defendants' brief in opposition to that motion in full. ECF No. 35. Plaintiffs agree that absent exceptional circumstances not present here, Wisconsin's Attorney General and its Department of Justice are the State's proper representatives in federal court, not its Legislature. Plaintiffs also emphasize that "mere disagreement over litigation strategy is not enough to show inadequacy of representation." *Planned Parenthood of Wisconsin, Inc. v. Kaul*, 942 F.3d 793, 808 (7th Cir. 2019) (Sykes, J., concurring); *see also United States v. Bd. of Sch. Comm'rs of City of Indianapolis, Ind.*, 466 F.2d 573, 575 (7th Cir. 1972) ("That [proposed intervenors] . . . would have taken a different view of the applicable law does not mean that the school board did not adequately represent their interests in the litigation").

Further, insofar as the Court grants the Legislature's motion, the Legislature's participation in this case provides another reason to deny the Republican Party Committees' pending motion to intervene. To the extent that the Republican Party Committees have articulated any cognizable interest in this litigation, *but see* ECF No. 24 at 4–6, that interest will already be more than adequately represented by existing parties, *see id.* at 10–15. If the Legislature is granted intervention, its participation will further guarantee that the Committees' purported interests are adequately represented. Accordingly, the Committees' participation will lead only to duplicative briefing and the wasted time and expense that accompanies it. *See id.* at 16.

Respectfully submitted,

/s/ Uzoma N. Nkwonta
Uzoma N. Nkwonta
Counsel to Plaintiffs